

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

STEVEN ALLEN SMITH,

Plaintiff,

v.

CIVIL ACTION NO. 3:16-12736

WESTERN REGIONAL JAIL MEDICAL;
CORRECTIONAL OFFICER STEVE ADKINS,

Defendants.

MEMORANDUM OPINION AND ORDER

This action was referred to the Honorable Cheryl A. Eifert, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that the Motion and Amended Motion to Dismiss of the defendants (ECF Nos. 16 and 18) be granted, in part, and denied, in part. Specifically, the motions be granted in favor of the Western Regional Jail; that the Western Regional Jail be dismissed, with prejudice, and removed from the style of the case; that the motions be denied with respect to Defendant Adkins; and that the remaining parties be permitted to conduct further discovery on the claims against Adkins. Plaintiff has filed a discovery request but neither party has filed objections to the Magistrate Judge's findings and recommendations.

Accordingly, the Court accepts and incorporates herein the findings and recommendation of the Magistrate Judge and **ORDERS** that the Motion and Amended Motion to Dismiss of the

defendants (ECF Nos. 16 and 18) be **GRANTED, in part, and denied, in part.** Specifically, the motions be **GRANTED** in favor of the Western Regional Jail; that the Western Regional Jail be **DISMISSED, with prejudice,** and removed from the style of the case; that the motions be **DENIED** with respect to Defendant Adkins; and that the remaining parties be permitted to conduct further discovery on the claims against Adkins, consistent with the findings and recommendations. The remaining claims will continue to be referred to the Magistrate Judge for proposed findings and recommendations.

The Court **DIRECTS** the Clerk to forward copies of this written opinion and order to all counsel of record, and any unrepresented parties.

ENTER: September 25, 2017

A handwritten signature in black ink, appearing to read 'Robert C. Chambers', written over a horizontal line.

ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE